

**Notice of Allowability**

Application No.

10/072,299

Applicant(s)

SCHERZER, SHIMON B.

Examiner

SIMON D. NGUYEN

Art Unit

2685

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 2/23/06.
2. ☒ The allowed claim(s) is/are 1-11, 13-23, 25-27 (renumbered 1-25).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**SIMON NGUYEN**  
**PRIMARY EXAMINER**

*Simon Nguyen*  
*2/15/06*

***Allowable Subject Matter***

1. Claims 1-11, 13-23, 25-27 are allowed.
2. The following is an examiner's statement of reasons for allowance:

Regarding claim 1, the prior art of record does not specifically disclose controlling switch matrix such that a limited number of antenna interfaces are coupled to a same antenna.

Regarding claims 11 and 23, the prior art of record fails to teach assigning the plurality of channels to the plurality of antenna for transmission of the concurrent forward-link signals in a second mode of operation when fading rate of Raleigh fading of the plurality of channels is sufficiently low and frequency hopping averaging does not allow for shadowing fading estimation.

Regarding claims 15, 27, the prior art of record does not specifically disclose calculating power matrix  $P_{i,k}$  being equal to  $V_k (C/I)_{k,k} / (C/I)_{i,k}$ , wherein  $V_k$  is a respective forward-link power associated with a  $k$ th channel,  $(C/I)_{k,k}$  is a respective carrier-to-interference C/I ratio for the  $k$ th channel as received on an antenna that is currently being using the  $k$ th channel, and  $(C/I)_{i,k}$  is the respective C/I ratio associated with the  $k$ th channel as received by the  $i$ th antenna.

Regarding claim 18, the prior art of record does not specifically disclose controlling switching means to switch a forward-link signal associated with a highest transmit power to an antenna means that is associated with a highest channel quality

metric for the reverse-link signal that corresponds to the forward-link signal in a first mode of operation.

Regarding claims 2-10, 13-14, 16-17, 19-22, and 25-26, these claims are allowed as being dependent upon independent claims that have been allowed.

### ***Conclusion***

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (571) 272-7894. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (571) 272-7899.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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600 Dulany, Alexandria, VA 22314

Or faxed to:

(703) 872-9314, (for formal communications intended for entry)


Hand-delivered response should be brought to Knox building,

501 Dulany, Alexandria, VA.

Simon Nguyen

March 15, 2006

**SIMON NGUYEN**  
**PRIMARY EXAMINER**

A handwritten signature in cursive script that reads "Simon Nguyen".